

Article - Transportation

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§21–810.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Local police department” means:
 - (i) The police department of any municipal corporation;
 - (ii) The police department of any county; and
 - (iii) The sheriff’s department of any county that has highway traffic patrol responsibilities.
- (3) (i) “Owner” means the registered owner of a motor vehicle or a lessee of a motor vehicle under a lease of 6 months or longer.
- (ii) “Owner” does not include:
 - 1. A motor vehicle rental or leasing company; or
 - 2. A holder of a special registration plate issued under Title 13, Subtitle 9, Part III of this article.
- (4) “Recorded image” means an image recorded by a work zone speed control system:
 - (i) On:
 - 1. A photograph;
 - 2. A microphotograph;
 - 3. An electronic image;
 - 4. Videotape; or
 - 5. Any other medium; and
 - (ii) Showing:

1. The rear of a motor vehicle;
2. At least two time-stamped images of the motor vehicle that include the same stationary object near the motor vehicle; and
3. On at least one image or portion of tape, a clear and legible identification of the entire registration plate number of the motor vehicle.

(5) “State police department” means:

- (i) The Department of State Police; and
- (ii) The Maryland Transportation Authority Police.

(6) “Work zone” means a segment of a highway:

(i) That is identified as a temporary traffic control zone by traffic control devices that are placed or installed in general conformance with the State manual and specifications adopted for a uniform system of traffic control devices; and

(ii) Where highway construction, repair, maintenance, utility work, or a related activity, including the placement, installation, maintenance, or removal of a work zone traffic control device, is being performed regardless of whether workers are present.

(7) “Work zone speed control system” means a device having one or more motor vehicle sensors connected to a camera system capable of producing recorded images of motor vehicles traveling at or above a predetermined speed in or approaching a work zone.

(8) “Work zone speed control system operator” means an individual who has been trained and certified to operate a work zone speed control system and who is:

- (i) A police officer;
- (ii) A representative of a local police department;
- (iii) A representative of a State police department; or
- (iv) A State Highway Administration contractor.

(b) (1) A work zone speed control system that meets the requirements of this subsection may be used to record the images of motor vehicles traveling on a highway:

(i) Within a work zone;

(ii) That is an expressway or a controlled access highway as defined in § 21-101 of this title; and

(iii) On which the speed limit, established using generally accepted traffic engineering practices, is 45 miles per hour or greater.

(2) A work zone speed control system may be used only:

(i) On a highway as specified in paragraph (1) of this subsection;

(ii) When being operated by a work zone speed control system operator; and

(iii) If, in accordance with the Maryland manual on uniform traffic control devices, a conspicuous road sign is placed at a reasonable distance consistent with national guidelines before the work zone alerting drivers that a speed monitoring system may be in operation in the work zone.

(3) A work zone speed control system may be used only to record the images of vehicles that are traveling at speeds at least 12 miles per hour above the posted work zone speed limit.

(4) (i) A work zone speed control system operator shall complete training by the manufacturer of the work zone speed control system in the procedures for setting up, testing, and operating the work zone speed control system.

(ii) On completion of the training, the manufacturer shall issue a signed certificate to the work zone speed control system operator.

(iii) The certificate of training shall be admitted as evidence in any court proceeding for a violation of this section.

(5) A work zone speed control system operator shall fill out and sign a daily set-up log for a work zone speed control system that:

(i) States the date and time when and the location where the system was set up;

(ii) States that the work zone speed control system operator successfully performed, and the device passed, the manufacturer–specified self–tests of the work zone speed control system before producing a recorded image;

(iii) Shall be kept on file; and

(iv) Shall be admitted as evidence in any court proceeding for a violation of this section.

(6) (i) A work zone speed control system shall undergo an annual calibration check performed by an independent calibration laboratory.

(ii) The independent calibration laboratory shall issue a signed certificate of calibration after the annual calibration check that:

1. Shall be kept on file; and

2. Shall be admitted as evidence in any court proceeding for a violation of this section.

(7) The procurement of a work zone speed control system by a unit of State government shall be conducted in accordance with Title 13, Subtitle 1 of the State Finance and Procurement Article.

(c) (1) Unless the driver of the motor vehicle received a citation from a police officer at the time of the violation, the owner or, in accordance with subsection (f)(4) of this section, the driver of a motor vehicle is subject to a civil penalty if an image of the motor vehicle is recorded by a work zone speed control system in accordance with subsection (b) of this section while being operated in violation of this subtitle.

(2) A civil penalty under this subsection may not exceed \$40.

(3) For purposes of this section, the District Court shall:

(i) Prescribe a uniform citation form consistent with subsection (d)(1) of this section and § 7–302 of the Courts Article; and

(ii) Indicate on the citation the amount of the civil penalty to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

(d) (1) Subject to the provisions of paragraphs (2) through (4) of this subsection, a local police department, State police department, or police department contractor shall mail to the owner liable under subsection (c) of this section a citation that shall include:

(i) The name and address of the registered owner of the vehicle;

(ii) The registration number of the motor vehicle involved in the violation;

(iii) The violation charged;

(iv) The location where the violation occurred;

(v) The date and time of the violation;

(vi) At least one recorded image of the vehicle with a data bar imprinted on each image that includes the speed of the vehicle and the date and time the image was recorded;

(vii) The amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(viii) A signed statement by a police officer employed by the local police department or State police department that, based on inspection of recorded images, the motor vehicle was being operated in violation of this subtitle;

(ix) A statement that recorded images are evidence of a violation of this subtitle;

(x) Information advising the person alleged to be liable under this section of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

(xi) Information advising the person alleged to be liable under this section that failure to pay the civil penalty or to contest liability in a timely manner:

1. Is an admission of liability;

2. May result in the refusal to register the motor vehicle; and

3. May result in the suspension of the motor vehicle registration.

(2) The local police department or State police department may mail a warning notice instead of a citation to the owner liable under subsection (c) of this section.

(3) Except as provided in subsection (f)(4) of this section, the local police department or State police department may not mail a citation to a person who is not an owner.

(4) Except as provided in subsection (f)(4) of this section, a citation issued under this section shall be mailed no later than 2 weeks after the alleged violation if the vehicle is registered in this State, and no later than 30 days after the alleged violation if the vehicle is registered in another state.

(5) A person who receives a citation under paragraph (1) of this subsection may:

(i) Pay the civil penalty in accordance with instructions on the citation; or

(ii) Elect to stand trial in the District Court for the alleged violation.

(e) (1) A certificate alleging that the violation of this subtitle occurred and the requirements under subsection (b) of this section have been satisfied, sworn to, or affirmed by a police officer employed by the local police department or State police department, based on inspection of recorded images produced by a work zone speed control system, shall be evidence of the facts contained in the certificate and shall be admissible in a proceeding alleging a violation under this section without the presence or testimony of the work zone speed control system operator who performed the requirements under subsection (b) of this section.

(2) If a person who received a citation under subsection (d) of this section desires a work zone speed control system operator to be present and testify at trial, the person shall notify the court and the police department that issued the citation in writing no later than 20 days before trial.

(3) Adjudication of liability shall be based on a preponderance of evidence.

(f) (1) The District Court may consider in defense of a violation:

(i) Subject to paragraph (2) of this subsection, that the motor vehicle or the registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the vehicle owner at the time of the violation;

(ii) Subject to paragraph (3) of this subsection, evidence that the person named in the citation was not operating the vehicle at the time of the violation; and

(iii) Any other issues and evidence that the District Court deems pertinent.

(2) To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner shall submit proof that a police report regarding the stolen motor vehicle or registration plates was filed in a timely manner.

(3) To satisfy the evidentiary burden under paragraph (1)(ii) of this subsection, the person named in the citation shall provide to the District Court a letter, sworn to or affirmed by the person and mailed by certified mail, return receipt requested, that:

(i) States that the person named in the citation was not operating the vehicle at the time of the violation; and

(ii) Includes any other corroborating evidence.

(4) (i) If the District Court finds that the person named in the citation was not operating the vehicle at the time of the violation or receives evidence under paragraph (3) of this subsection identifying the person driving the vehicle at the time of the violation, the clerk of the court may provide to the police department that issued the citation a copy of any evidence substantiating who was operating the vehicle at the time of the violation.

(ii) On receipt of substantiating evidence from the District Court under subparagraph (i) of this paragraph, the police department that issued the citation may issue a citation as provided in subsection (d) of this section to the person who the evidence indicates was operating the vehicle at the time of the violation.

(iii) Any citation issued under subparagraph (ii) of this paragraph shall be mailed no later than 2 weeks after receipt of the evidence from the District Court.

(g) If a person liable under this section does not pay the civil penalty or contest the violation, the Administration may:

(1) Refuse to register or reregister the registration of the motor vehicle cited for the violation; or

(2) Suspend the registration of the motor vehicle cited for the violation.

(h) A violation for which a civil penalty is imposed under this section:

(1) Is not a moving violation for the purpose of assessing points under § 16–402 of this article;

(2) May not be recorded by the Administration on the driving record of the owner or driver of the vehicle;

(3) May be treated as a parking violation for purposes of § 26–305 of this article; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

(i) In consultation with local police departments and State police departments, the Chief Judge of the District Court shall adopt procedures for the issuance of citations, the trial of civil violations, and the collection of civil penalties under this section.

(j) (1) The Department of State Police or a contractor designated by the Department of State Police shall administer and process civil citations issued under this section in coordination with the District Court.

(2) If a contractor provides, deploys, or operates a work zone speed control system for a police department, the contractor's fee may not be contingent on the number of citations issued or paid.

(k) The Department of State Police and the State Highway Administration jointly shall adopt regulations establishing standards and procedures for work zone speed control systems authorized under this section.

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